

REMARKS

Applicants concurrently file herewith a Request for Continued Examination (RCE), a Petition for Extension of Time for a two-month extension of time, a Declaration Under 37 C.F.R. §1.132 and corresponding RCE and extension of time fees.

Claims 1, 4, 6-14 and 20-22 are all the claims presently pending in the application. The previously pending claims have not been amended. Claim 22 has been added to provide more varied protection for the claimed invention.

Applicants submit that the addition of new claim 22, which recites a new previously not considered combination of elements, presents a new issue to the Examiner that requires further consideration and/or search and thus the Examiner is precluded from issuing a first action Final Office Action.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 4, 6-14, 20 and 21 (please note that the Examiner's listing of allowed claims in the Advisory Action dated March 15, 2007 is incorrect. Appropriate correction is requested) are allowed.

The Examiner has objected to the Amendment filed on December 9, 2004 under 35 U.S.C. 132(a) for introducing new matter into the disclosure. The Examiner, however, is clearly incorrect.

That is, in the Examiner's Office Action dated September 22, 2004, the Examiner objected to the Specification because "In example 1, the sum of the amounts of the components in the toner, i.e., 85 wt% for binder resin, 1 wt% for charge control agent, 10 wt% for carbon black, 4.25 wt% for polyethylene wax, and 0.75 wt% for paraffin wax, is 101 wt%. It is not clear how the sum of weight percentages based on the total weight of the toner can be other than 100 wt%" (see Office Action dated September 22, 2004 at page 2). In the Amendment filed on December 9, 2004 Applicants amended the Specification to recite 84 wt

% of binder resin to correct an apparent typographical error.

Applicants submit that it would have been apparent to one of ordinary skill in the art that Applicants merely amended the specification to correct a typographical error and did not add new matter to the Specification.

Indeed, as further detailed in the concurrently filed Declaration Under 37 C.F.R. §1.132, Applicants provide Reference 1 and Reference 2 which include experimental data illustrating that the correct value for the weight percentage of the binder resin is 84%. Specifically, B248 corresponds to Example 5 of the Application and B250 corresponds to Example 4 of the Application. Both B248 and B250 have a 84% of the resin (i.e., which is the intended correct value).

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this objection to the claims.

Applicants will shortly submit an executed copy of the Declaration Under 37 C.F.R. § 1.132.

In view of the foregoing, Applicants submit that claims 1, 4, 6-14 and 20-22, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

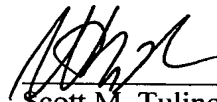
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: June 12, 2007



Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY
LAW GROUP, PLLC**
Intellectual Property Law
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254